

REMARKS

Applicant appreciates the Examiner's review of the above-identified patent application and respectfully requests reconsideration and allowance in view of the above amendments and following remarks. Applicant appreciates the Examiner's remarks noting that claims 5-11 are allowable.

Claims 1-11, 20, and 21 are pending. Claims 1-4, 20, and 21 have been rejected. Applicant respectfully traverses these rejections.

Independent claim 1 has been amended to recite, in relevant part, that at least one of the inner jaw and outer jaws comprises a substantially flat, toothless contact surface which is adapted to contact a substantially planar longitudinal surface of the upright over a planar region. Independent claims 20 and 21 also recite similar language. Applicant respectfully submits that none of the references cited, alone or in combination, disclose these limitations.

The Examiner points to U.S. Patent No. 4,597,471 to Anderson to support the above limitations. In particular, the Examiner points to element 130 of Anderson. Applicant respectfully submits that the Examiner has misinterpreted element 130 (and Anderson as

a whole).

On column 6, lines 17-19, Anderson recites "As shown in FIG. 4, the lower shackle member 130 is very similar to the upper shackle member 82 previously described." Anderson also discloses that the upper shackle member 82 has a non-planar, toothed surface 106. See FIG. 3. There is nothing in Anderson that suggests that lower shackle member 130 is different from the upper shackle member 82 and that it does not also include a non-planar surface. Moreover, FIG. 4 also appears to shown the non-planar surface.

Applicant submits that one skilled in the art, after reading Anderson as a whole, would clearly interpret the lower shackle member 130 as having a non-planar surface. To conclude otherwise would necessarily require impermissible hindsight reasoning wherein Applicant's own disclosure is used against him. Other than hindsight reasoning, it is entirely unclear what would have led an artisan to conclude that the lower shackle member 130 is planar.

Accordingly, Applicant respectfully submits that all pending claims are in condition for allowance. Early and favorable action is respectfully requested. The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate

In re: Henry J. Riblet
Filed: September 17, 2001
Serial No.: 09/955,467
Page 11

advancement of the present application.

Respectfully submitted,

Henry J. Riblet

By Paul J. Kroon Jr.
Paul J. Kroon, Jr., Esq.
Registration No. 51,902
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: Jan. 14, 2005